

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

KIMBERLYN RICHARDS, individually and  
on behalf of all others similarly situated,

Plaintiff,

v.

RPS HOLDINGS, LLC dba CAPITAL  
CABARET, a North Carolina Limited  
Liability Company; PHONG NGUYEN, an  
individual; DOE MANAGERS 1 through 3;  
and DOES 4 through 10, inclusive,

Defendants.

**Case No.: 5:21-CV-155-D**

**COLLECTIVE ACTION**

**PLAINTIFF KIMBERLYN  
RICHARDS'S NOTICE OF  
ACCEPTANCE OF DEFENDANTS'  
FED.R.CIV.P. 68 OFFER OF  
JUDGMENT**

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**COMES NOW** plaintiff Kimberlyn Richards ("Plaintiff" and "Richards") by and through undersigned counsel, and submits Plaintiff's Notice of Acceptance of defendants RPS Holdings, LLC dba Capital Cabaret, and Phong Nguyen (collectively, "Defendants") Fed.R.Civ.P. Rule 68 Offer of Judgment as follows:

1. Plaintiff Ronique De Sa commenced this collective action on April 1, 2021. *See* Dkt. 1.
2. Plaintiff Kimberlyn Richards consented to join this collection action on October 25, 2021. *See* Dkt. 48.
3. On January 3, 2022, this Court granted Defendants' Motion to Compel Arbitration of Plaintiff's claims, and stayed the matter. *See* Dkt. 52.

4. On October 21, 2022, Defendants served plaintiff Kimberlyn Richards with a Fed. R. Civ. P. 68 Offer of Judgment in this action in the amount of \$54,000.00 to Plaintiff as full compensation including all fees and costs incurred in this action and arbitration.

**See Exhibit 1.**

5. This acceptance of offer of judgment extinguishes only plaintiff Kimberlyn Richards's claims in this action.
6. Pursuant to Fed. R. Civ. P. 68, Plaintiff timely serves written notice of her acceptance of the offer via the Court's CM/ECF electronic filing system to Defendants' attorneys of record.

Respectfully Submitted,

Dated: October 21, 2022

**CARPENTER & ZUCKERMAN || CHARLES G.  
MONNETT, III & ASSOCIATES**

*/s/ John P. Kristensen*

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John P. Kristensen (*Pro Hac Vice*)  
Randall J. Phillips

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I certify that on Friday, October 21, 2022, a true and correct copy of the attached  
**PLAINTIFF KIMBERLYN RICHARDS'S NOTICE OF ACCEPTANCE OF**  
**DEFENDANTS' FED.R.CIV.P. 68 OFFER OF JUDGMENT** was served via CM/ECF upon  
all participants of record, including the parties listed below, pursuant to Fed. R. Civ. P. 5:

Luke C. Lirot  
**LUKE CHARLES LIROT, P.A.**  
2240 Belleair Rd., Suite 190  
Clearwater, FL 33764  
Email: [office@lirotlaw.com](mailto:office@lirotlaw.com)

*Counsel for Defendants*

*/s/ John P. Kristensen*

John P. Kristensen